

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegation of corruption against Sri Shaik Yakoob, the then Senior Assistant and now retired as Administrative Officer – Convicted by Principal Special Judge for SPE & ACB Cases Hyderabad in C.C.No.19 of 2003 on 4.6.2007 – Withholding of entire pension besides gratuity – Orders – Issued.

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TRANSPORT, ROADS AND BUILDINGS (VIG.III.1) DEPARTMENT

G.O.Ms.No. 162.

Dated: 22nd December, 2010.
Read the following:-

- 1) G.O.Ms.No.121, Transport, Roads & Buildings(Tr.I) Department, Dated 29.07.2002.
- 2) Judgement Dated 4.06.2007 of the Principal Special Judge for SPE & ACB Cases, Hyderabad in C.C.No.19 of 2003.
- 3) Orders of Hon'ble High Court Dated 22.06.2007 in CRMP No.999/2007 in Crl.Appeal No.734/2007 filed by Sri Shaik Yakoob.
- 4) Orders of Hon'ble High Court of A.P. Dated:07.08.2007 in W.P.No.16102/2007 filed by Sri B. Jagjeevan Rao, O/o. Sub Treasury Office.
- 5) Representations of Sri Shaik Yakoob, Dated 04.10.2007 and 11.2.2008.
- 6) Orders of Hon'ble Supreme Court of India Dated 13.08.2008 and 9.1.2009 in SLP Appeal (C) No.20413/ 2008.
- 7) Govt.Memo.No.7036/Vig.III/1/2001-26, Transport, Roads & Buildings Department Dated 19.05.2008.
- 8) Interim orders of Hon'ble Tribunal Dated:03.07.2008 in O.A.No.4862/2008 filed by Sri Shaik Yakoob.
- 9) Orders of Hon'ble High Court in W.P. No.8000/2009 and batch Dated 17.11.2009.
- 10) Government Memo.No.7036/Vig.III/1/2001 Transport, Roads & Buildings Department, Dated 22.12.2010.

ORDER:

In the Judgement 2nd read above, the Special Judge for SPE & ACB Cases, Hyderabad convicted Sri Shaik Yakoob, former Senior Assistant, Office of the R.T.A. Central Zone, Hyderabad and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/- for the offence under section 7 of Prevention of Corruption Act, 1988 and in default to suffer one month simple imprisonment. He was also sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- for the offence under sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and in default of payment of fine, to suffer one month simple imprisonment and also ordered that both the sentences to run concurrently.

2. Against the said orders, Sri Shaik Yakoob filed Criminal Appeal No.734/2007. The Honourable High Court in its interim orders 3rd read above, suspended the sentence of imprisonment alone, pending disposal of Criminal Appeal.

3. In his representations 5th read above, Sri Shaik Yakoob, inter-alia has represented that in a similar case in Revenue Deptt., Government have issued orders not to impose any kind of further penalty till the disposal of the Crl.M.P. No.796/2007 in Crl. Appeal No.535/2007 and requested not to take any further action against him till the Crl.Appeal filed by him before the High Court of Andhra Pradesh.

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4. In the Memo. 7th read above Sri Shaik Yakoob, was directed to show cause as to why a major penalty in terms of G.O.Ms.No.2 General Admn. (Ser.C) Deptt. Dated 4.1.1999 should not be imposed against him.

5. Against the said show cause notice, he filed O.A. No.4862/ 2008 before the Hon'ble Tribunal and the Hon'ble Tribunal in its interim orders 8th read above has directed to pass orders on the representation of the individual Dated 11.2.2008 on similar lines as ordered in Memo.No.58040/ Vig.I.2/2007-1, Revenue Department, Dated 30.11.2007 pending further action against him.

6. While the matters stood thus, the Hon'ble High Court in its orders in W.P. No.8000/2009 and batch, held that the employees who were convicted in criminal cases should be dismissed or removed from even if appeals or revisions against the conviction are pending.

7. In the Memo. 10th read above, the request of Sri Shaik Yakoob Administrative Officer (now retired) has been rejected.

8. Government after careful consideration of facts and circumstances of the case, have decided to withhold 100% pension besides the entire gratuity of Sri Shaik Yakoob, Administrative Officer (Retired).

9. Accordingly, Government in exercise of the powers conferred by clause (x) of Rule 9 and sub-rule (1) of Rule 25 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 read with G.O.Ms.No.2, General Administration (Ser.C) Department, Dated 4.1.1999 and also read with the Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, Government hereby withhold 100% pension besides the entire gratuity to be paid to Sri Shaik Yakoob, Administrative Officer (Retired), with immediate effect.

10. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri Shaik Yakoob, Administrative Officer (Retired) through the Transport Commissioner, Andhra Pradesh, Hyderabad.

The Transport Commissioner, Andhra Pradesh, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.

The General Admn. (Spl.C) Department

The Government Pleader for Ser.I, A.P. High Court, Hyd.

The Government Pleader for Ser.II, for TR&B Deptt., High Court of A.P., Hyderabad.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.